

TROY A. EID
PRESIDENT

LAVERNE H.
GARNENEZ
VICE-PRESIDENT

JULIA GUARINO
SECRETARY

RHONDA L. TUNI
TREASURER

NAVAJO NATION BAR ASSOCIATION, INC.
POST OFFICE BOX 690
WINDOW ROCK, ARIZONA 86515
(928) 871-2211
(928) 871-2229 FAX
E-MAIL: YOLANDA@navajolaw.info
E-MAIL: ALEXANDRIA WAUNEKA@gmail.com
VISIT OUR WEBSITE AT NAVAJOLAW.INFO

IMPORTANT UPDATE FOR ALL NNBA MEMBERS

NNBA Fall Newsletter 2020

Yá'áh'tééh. LaVerne and I thank you for your continuing strong support of the Navajo Nation Bar Association. We hope that you and your loved ones are healthy and safe during this challenging time.

1. **NNBA ANNUAL CONFERENCE 'WEBINAR'**

- Please register for the 2020 NNBA Conference, which will be provided entirely on line and available by secure web-based video link beginning on Monday, October 12th until December 31st, 2020. Conference Co-Chairs Julia Guarino and Rhonda Tuni have produced a wonderful conference, including keynote speakers Dan Frosch – Senior Investigative Reporter for *The Wall Street Journal*, and former Navajo Nation Chairman Peter MacDonald, President of the Navajo Code Talkers Association, among many other distinguished presenters.
- **By registering for the conference, you can obtain all of your mandatory NNBA Continuing Legal Education for 2020.** The webinar also includes NNBA Committee and Officer Reports and other information useful to your practice and involvement with the Association.
- You may register for the NNBA Annual Webinar at www.navajolaw.info. The cost is \$300 for NNBA members and \$450 for non-members provided you register no later than Friday, September 25th. After that, the registration fee will increase by \$100.

2. COMPLYING WITH THE MANDATORY NNBA CLE REQUIREMENT

- On July 17th, 2020, the NNBA Board of Bar Commissioners voted to amend the NNBA Bylaws to make the annual NNBA CLE requirements mandatory. **For the first time, non-compliance with the CLE requirement will result in substantial penalties and may include suspension or termination from the NNBA.**

The complete red-lined change to the NNBA Bylaws as adopted by the Board on July 17, 2020 is reprinted here for your convenience:

NAVAJO NATION BAR ASSOCIATION MANDATORY CONTINUING LEGAL EDUCATION STANDARDS

- A. Every active member of the Navajo Nation Bar Association, Inc. (NNBA), with the exception of Judicial members, shall attend no less than eight (8) credit hours of approved programs every calendar year, at least two (2) credit hours of which shall be in Navajo Ethics and at least six (6) credit hours of which shall be in Navajo Law of which up to two (2) credit hours may be replaced with Skills Course(s), to fulfill the NNBA Mandatory Continuing Legal Education (MCLE) requirement. The eight (8) credit hours of approved programming may be attended in person, through online courses or by listening to audio or video recordings. No audio or video recordings from approved programs may be used for credit hours more than a single time.
- B. Every inactive member of the NNBA seeking to be reinstated to active status shall attend six (6) credit hours of approved programs prior to being reinstated. The credit hours shall count towards the hours of MCLE required. Two (2) credit hours of which shall be in Navajo Ethics, and the remaining four (4) hours shall be in Navajo Law.
- C. All active NNBA Members shall report their MCLE credit hours earned during the calendar year with the payment of their bar dues. The member's signature on the report shall serve as verification that the

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member earned credit hours reported. If an active member of the NNBA fails to submit the NNBA, Inc., Mandatory Continuing Legal Education Form demonstrating compliance with the required MCLE hours for the previous calendar year, including supporting documentation, the NNBA shall assess a late fee of \$100 for every month that the form is not submitted after the deadline for submission, but the total fee shall not exceed \$200. If the active member of the NNBA fails to submit the NNBA, Inc., Mandatory Continuing Legal Education Form within sixty (60) days after the deadline for submission, the member shall be subject to suspension if the fee is not paid. Prior to reinstatement, the member shall be required to demonstrate that he or she has completed the CLE requirements and if the member is out of compliance shall take additional courses to meet both the current and previous year's MCLE requirement. The CLE Committee may waive compliance with completion of the MCLE requirement if the member demonstrates on the form good cause, as determined by the committee.

- D. On request of the NNBA Continuing Legal Education Committee, members shall provide evidence sustaining their reported MCLE credit hours.
- E. To be an approved program for the categories of Navajo Law or Navajo Ethics, the program must be approved by the NNBA Continuing Legal Education Committee.
- F. A person preparing an article used in a Program or presenting at a Program may, on application and approval by the NNBA Continuing Legal Education Committee, receive MCLE credit for the article or presentation.
 - 1. In general, an approved article will receive credit hours at the rate of .5 credit hours per page (double-spaced 12 point type) or two (2) credit hours for each credit hour of the presentation. The approval of additional credit hours over this rate shall require a majority vote of the entire CLE Committee, and shall be based upon the complexity of the legal issues addressed in the article or presentation, the thoroughness and comprehensive nature of the article or presentation.
 - 2. Persons seeking credit hours for articles or presentations shall make a written request for approval of the credit houses to the

NNBA Continuing Legal Education Committee, providing a copy of the article or presentation outline; the program brochure or agenda; required fees, and such other information as the Committee may require.

- G. The eight (8) credit hour requirement is modified for NNBA active members who have not been active members for the full year for which reports are required:
 - 1. If a member has been an active member for six (6) months or more, but less than nine (9) months, the MCLE requirement is one-half of the regular requirement.
 - 2. If a member has been an active member for less than six (6) months, there is no MCLE requirement.
- H. Excess credit hours earned during one year may be carried over to the next consecutive year, but shall not be carried over into any other future year.
- I. If an active member of the NNBA submits the NNBA, Inc., Mandatory Continuing Legal Education Form but the NNBA Continuing Legal Education Committee determines that the member has failed to meet the MCLE requirement, the NNBA Continuing Legal Education Committee may assist the member to come into compliance with MCLE Requirement but if unable to do so shall refer the matter to the NNBA administrative office for suspension.
- J. The NNBA Continuing Legal Education Committee is authorized to develop and implement such regulations, forms, and procedures as may be required to implement the MCLE requirement.
- K. The NNBA Board of Bar Commissioners may re-regulate authority with respect to monitoring and enforcing compliance with the MCLE Policy to another Committee of the NNBA.
- L. Definitions: For purposes of the MCLE policy:
 - 1. "Navajo Ethics" means the provisions of the Navajo Code of Professional Responsibility as adopted by the Navajo Nation Supreme Court; the Navajo Code of Judicial Conduct, and Navajo

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Common Law as it affects standards of practice in the Courts of the Navajo Nation, including Navajo principles of respect (k'e) and harmony (hozho).

2. "Navajo Law" means Navajo statutory law, decisional law issued by the Navajo Courts and administrative agencies, and Navajo custom and tradition.
3. A "credit hour" for purposes of MCLE Credit is a sixty (60) minute hour.

4. "Skills Course" means a course that is directed at training how to practice law including such matters as taking a deposition, best court room practices, motion and brief writing, negotiations, contract and resolution drafting, how to read financial statements and such other legal skills. A Skills Course may be taken through any reputable training program including through State and Navajo Bars, Law Schools, the ABA, or any commercial reputable training program and does not require pre-approval by the CLE Committee.

M. Amendments: These MCLE Standards may be amended by the NNBA Board of Bar Commissioners upon the recommendation of the NNBA Continuing Legal Education Committee. Amendments to these MCLE Standards are effective upon approval by the NNBA, Inc. Board of Bar Commissioners.

ADOPTED THIS 17th day of July, 2020, by the Navajo Nation Bar Association Board of Bar Commissioners

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3. NNBA BAR REVIEW COURSE GOES ON-LINE

- For the first time in NNBA history, the entire week-long Bar Review Course was converted to a webinar for the August 2020 bar examination. Special thanks to all candidates who sat for the exam, as well as the volunteer faculty who prepared for and taught the course.

For more information about these or other matters concerning NNBA, please contact Troy Eid at eidt@gtlaw.com; LaVerne Garnenez at lavernehgarnenez@hotmail.com; or Yolanda Wauneka at yolanda@navajolaw.info. *Ahé'héé.*